

CRIMINAL PROCEEDINGS: **Sentencing**

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

District Judge David O. Carter
Case No. 1:03cr0109 BLW
Place: Boise

Date: December 19, 2003
Deputy Clerk: Glenda J. Longstreet
Reporter: Lisa Yant

UNITED STATES OF AMERICA vs. VICTOR MANUEL CASTILLO-DUARTE

Counsel for United States: Rafael M. Gonzalez
 Defendant(s): John Meienhofer
 Interpreter:
 Probation Officer: Sylvia Carvajal

- (X) Court reviewed case history.
- (X) Objections to the pre-sentence report ruled on by the Court, as stated on the record.
Court adopts Pre-sentence report.
- (X) **Motion by defendant (dkt #) for downward departure:**
- (X) Oral Motion by government for downward departure:
- (X) Guilty plea entered Sept 26, 2003 to Count #1, 2,6,7,8 of the Second Superseding Indictment.
- (X) The government moves to dismiss remaining counts #3,4,5,9,10,11,12,15,16,17,18,19,20 of the Superseding Indictment:

SENTENCE: 87 months incarceration. Fine waived, supervised release for a period of 5 years and within 72 hours of release he is to report to the probation office in the district to which the defendant is released, special assessment of \$100.00 on each count for a total of \$500.00, due immediately.

Terms and conditions:

- 1) Defendant shall comply with the rules and regulations of the Probation Department.
- 2) Defendant shall pay any fine, special assessment, or restitution that is imposed by this judgment and that remains unpaid at the commencement of supervised release as a condition of supervision. Payments to be on a monthly payment scheduled to be established and may be periodically modified by the probation officer, provided the entire financial penalty is paid no later than the termination of term of supervised release. Payments to be made to Clerk of the Court, District of Idaho, 550 W. Fort St., MSC 039, Boise, ID 83724.
- 3) Defendant shall not possess a firearm or other dangerous weapon.
- 4) Defendant shall submit to a search of his person, place of residence, or automobile at the direction of the U.S. Probation Officer and submit to seizure of any contraband found therein.
- 5) Defendant shall provide the probation officer with access to any requested financial information.
- 6) Defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation officer unless the defendant is in compliance with the installment payment schedule.
- 7) Defendant shall participate in a program of testing and treatment for drug abuse, as directed by the probation officer, until such time as the defendant is released from the program by the probation officer.
- 8) The cost of treatment and urinalysis shall be paid by both the defendant and the government in monthly payments as arranged by the probation officer.

- (X) The court strongly recommends an Arizona facility because of close family ties in the area.
- (X) Counts 3,4,5,9,10,11,12,15,16,17,18,19,20 are dismissed upon the government's motion.
- (X) Defendant remanded to the custody of the U. S. Marshal.
- () Defendant will voluntarily surrender as stated on the record and in the Judgment.
- () Right to appeal explained.